

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks. Claims 1-11 and 14-15 are in the application. Claims 7, 10, 14 and 15 have been amended. No new matter has been added.

The Examiner rejected claims 10 and 15 under 35 USC §112, stating that the specification was not enabling for the prevention of an ailment. Applicants have amended claims 10 and 15 to delete the word "prevention".

The Examiner rejected claims 7, 10 and 15 under 35 USC 112, stating that the phrase "other physiological and medical disorders" and "pathological consequences" is unclear. Applicants have deleted these phrases from the claims.

The Examiner rejected claims 1-15 under 35 USC 102(b) as being anticipated by Artisa et al. and Suzuki et al. Applicants respectfully traverse.

Applicants have amended claims 10 and 15 to claim an alpha-cyclodextrin concentration of 1-15% by weight.

The present application discloses for the first time a process for lowering the glycemic index by adding alpha CO to food. This is not disclosed by any of the references cited.

Artesa relates to a composition comprising a dietary fat complexer. This application does not mention starch or the glycemic index. In contrast, the presence of fat or oil is not a requirement for the present invention.

The present invention relates to the lowering of the glycemic index of food. The glycemic index correlates to the starch content of the food because the starch content of the food leads to an increase of the glucose content in blood. As said on page 2, last paragraph of the application, the glycemic index (GI) is a measure of the blood glucose rising property of food. It is determined by lysing the blood glucose levels in regular intervals for a 2-3 hour period after intake of the test food and a reference food which, by convention, is either white bread or glucose. Therefore, any teaching related to reduction of the absorption of fat has nothing to do with the present invention.

Regarding Suzuki, this patent describes (a) the fact that alpha-CD has a low energy value because it is not digested, and (b) the assumption that alpha-CD reduces the absorption of fat

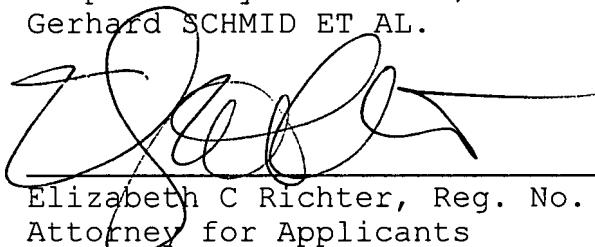
(triacylglycerols) from the intestine. According to the description of the invention, an α -CD concentration in the food of 20% (or more) is required to have the desired beneficial effect on body weight. Furthermore, the concentration in food must be >10% to have a beneficial effect on blood lipids. No beneficial effects are expected at concentrations of less than 10%. It follows from the proposed mechanism of impaired lipid absorption that the food to which α -CD is added, must contain fat.

In contrast, the presence of fat or oil is not a requirement for the present invention. The present invention relates to lowering the glycemic index of food. The glycemic index correlates to the starch content of the food because the starch content of the food leads to an increase of the glucose content in blood. As said on page 2 last paragraph of the application the glycemic index (CI) is a measure of the blood glucose rising property of food. It is determined by analyzing the blood glucose levels in regular intervals for a 2-3 hour period after intake of the test food and a reference food which, by convention, is either white bread or glucose. So any teaching related to reduction of the absorption of fat has nothing to do with the present invention.

Suzuki discloses a food comprising 20 to 30 % alpha CD. Claims 10 and 15 now claim an alpha-CD concentration of 1-15%. Because Suzuki is not relevant for the invention, (lowering fat has nothing to do with lowering glycemic index) the claims are patentable over Suzuki.

Accordingly, Applicants submit that claims 1-11 and 14-15 are patentable over the cited references, taken either singly or in combination. Early allowance of the amended claims is respectfully requested.

Respectfully submitted,
Gerhard SCHMID ET AL.

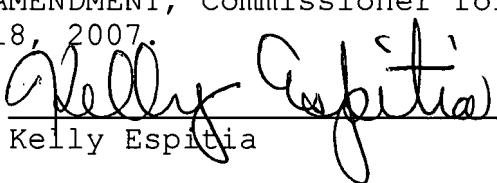


COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

Elizabeth C Richter, Reg. No. 35,103
Attorney for Applicants

ECR:cmm

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, Alexandria, VA, on June 18, 2007.



Kelly Espitia